

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, has continued to reject all examined claims 1-2, 4-8, and 25-30. In response, Applicant submits that the distinguishing remarks set forth in its previous response are still valid, and Applicant repeats and realleges those herein (thereby preserving those arguments for appeal). In addition, Applicant sets for the following additional distinguishing remarks.

Office Action is Facially Incomplete

On page 5, the third to the last line, the Office Action is clearly incomplete and missing information. This portion of the Office Action is responding to Applicant's previous submission and states: "Note that Ergavic et al. uses a bar code reader and is well capable of using such a detecting device in determining the ". Clearly, this explanation has stopped mid-sentence, and additional information was intended.

On or about July 9, 2007, the undersigned attempted to contact the Examiner to ascertain what the Examiner meant to say in the Office Action. The undersigned left a voice message for the examiner, which has not yet been returned. In addition, the undersigned filed (electronically) a written notice requesting clarification on this point. This written notice appears in the docket of the PTO's PAIR system as "miscellaneous incoming letter" on July 9, 2007. To date, no clarification has been received. As the due date of the Office Action is not suspended, Applicant has had to proceed, as best it can, by submitting this timely response. However, since the Office Action is clearly and facially deficient, and as the Patent Office has not responded to the undersigned's

requests (both by phone and written notice) to provide any clarification, the undersigned submits that, unless the Examiner allows this application, any ensuing Office Action should again be made non-FINAL.

Inconsistencies in Stated Rejections

Claims 1-2, 4-8, and 25-30 are currently pending in the present application. Applicant respectfully requests reconsideration of instant claims 1-2, 4-8, and 25-30. Applicant submits that instant claims 1-2, 4-8, and 25-30 are clearly in condition for allowance, as will be discussed herein below. The remarks of the instant response further clarify and distinguish Applicant's claimed embodiments over the cited art and the various grounds of rejection and supporting reasoning presented in the non-final Office Action.

Independent claim 1 (the only independent claim) stands rejected under 35 U.S.C. 102(b) as allegedly anticipated by Erjavic. Claim 1 also stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the combination of Erjavic in view of Conboy and the combination of Erjavic in view of Beffa.

These latter two rejections are not consistent with the first rejection. That is, in order to reject claim 1 under 35 U.S.C. § 103(a), the Office Action admitted that certain features were apparently not taught by Erjavic (otherwise secondary references would not have been necessary). Assuming that to be true, then the rejection of claim 1, under 35 U.S.C. § 102 should be withdrawn.

Having said that, in reviewing the stated rejection based on the combination of Erjavic in view of Conboy (p. 4), the Office Action only specifically references claims 4

and claim 8. Therefore, the undersigned assumes that the rejection under 35 U.S.C. § 103(a), which combined teachings of Conboy with Erjavic, is only relevant to claims 4 and 8, and the statement that claims 1-2, 4-8, and 25-30 are rejected on this basis is misplaced. If the Examiner disagrees, then the Applicant respectfully requests clarification as to how claim 1, for example, is rejected under 35 U.S.C. § 103, and specifically, the Applicant requests an explanation of how Conboy is being applied to claim elements of claim 1.

Likewise, in reviewing the stated rejection based on the combination of Erjavic in view of Beffa (p. 5), the Office Action only specifically references claims 4 and claim 8. Therefore, the undersigned assumes that the rejection under 35 U.S.C. § 103(a), which combined teachings of Beffa with Erjavic, is only relevant to claims 4 and 8, and the statement that claims 1-2, 4-8, and 25-30 are rejected on this basis is misplaced. If the Examiner disagrees, then the Applicant respectfully requests clarification as to how claim 1, for example, is rejected under 35 U.S.C. § 103, and specifically, the Applicant requests an explanation of how Beffa is being applied to claim elements of claim 1.

Discussion of Independent Claim 1

The Office Action rejected claim 1 under 35 U.S.C. § 102(b) as allegedly anticipated by Erjavic. For at least the reasons set forth below, Applicant disagrees.

Independent claim 1 recites:

1. A system of automated sorter operation for held or banked wafer lots, comprising:
 - a storage device capable of storing information regarding a current status of a wafer lot, the current status indicating the wafer lot is on hold, in production bank, or in non-production bank;
 - and

a sorting module receiving a wafer lot identity, acquiring detecting the current status corresponding to of the wafer lot identity from the process record storage device, issuing at least one first status setting instruction corresponding to instructions according to the current status of the wafer lot to a manufacturing execution system (MES) to release the wafer lot, ***issuing a flow instruction with sorting recipes directing the MES to perform a sorter operation after issuing the at least one first status setting instruction, and issuing at least one second status setting instruction corresponding to instructions according to the current status of the wafer lot to the MES to hold or bank the wafer lot again after completing the sorting operation,***
wherein the at least one second status setting instruction describes a reverse procedure of a status change procedure described by the at least one first status setting instruction, and the wafer lot cannot be processed when the wafer lot is on hold in production bank, or in non-production bank.

(*Emphasis added.*) Claim 1 patently defines over the cited art for at least the reason that the cited art fails to disclose at least the features emphasized above.

With regard to the features emphasized above, the Office Action stated that these features are taught in Erjavic at col. 5, lines 45-66 and col. 6, lines 10-58) Applicant respectfully disagrees. In fact, these portions of Erjavic actually state:

The operation of system 10 is now illustrated by reference to the flow chart in FIGS. 2A-2C. In reference to box 50, the operator first checks to see if workstation 12 is on. If the workstation is on, the operator opens Window A. The operator then accesses VAX node HVIP with the GETSPEC utility to get a production planning schedule. The planning schedule would indicate which devices and lots need to be tested. The operator then selects the lot to be tested and finds out its work in progress (WIP) location on the test floor. The operator fetches the single recipe run card (used commonly for factory operation) in another Window E for displaying the run card. The run card information from HVIP node should indicate which hardware parts, such as printed circuit boards, are required for testing. The status of the required hardware part is then displayed in Window E. The operator then commands that the hardware part be obtained for the tester.

...

The operator then opens Window B for monitoring the testing of the tester. The hardware part retrieved is installed on the tester manually and the tester is logged in as shown in block 60. The communication between workstation 12 and tester 14 is conducted through monitor cable RS232 and data cable IEEE488. The operator then runs FTEST program for testing the device using the tester. Thus, the operator would input his or her name, identification of the tester, sorter/handler, and identification of the device and lot numbers. The workstation then links the tester to the HVIP node and downloads testing program files from HVIP to the tester controller (not separately shown for tester 14). The workstation performs checksum checking as a housekeeping rule and loads the testing program to the tester and runs the test program. The workstation checks the hardware and software, setup with correlation units and the software and hardware. The workstation specifies the data that should be collected for attribute checking and waits for the handler setup.

All the above-described steps are performed prior to actually running the tester to test the device selected. Since the sorter/handler is also to be setup before the tester is ready for testing, the operator then carries out the handler setup in accordance with block 70. In reference to block 70, the operator opens Window C, sets up the handler and connects the workstation to the handler. All this is performed through the RS232 cable connecting the sorter/handler 22 to the workstation 12. The operator checks for connection conditions and gets configuration information from HVIP or the CAM node. The operator then configures the handler either manually or automatically, and monitors the handler. It is possible for the operator to obtain a handler status report, collect data from the handler and analyze such data. The operator may also collect tester binning data from the tester and transfer data to the HVIP node.

The operator then opens Window D on the workstation monitor and runs the SYSDATA program to obtain a tester status report and gets the workstation ready for collecting and analyzing data, transferring data to the CAM node to update the processing control information at the node. The operator then continues to work in Window B. To verify the proper testing conditions of the sorter/handler and tester, a sample is first used, such as a mechanical dummy sample, although other samples for testing either electronic or mechanical properties may be used.

As can be readily verified from the above-quoted portions of Erjavic, there is no teaching of the claimed flow instruction with sorting recipes directing the MES to perform a sorter operation after issuing the first status setting instruction or instructions. Likewise, there is not teach of the claimed sorting module issuing at least one second

status setting instruction instructions to the MES to hold or bank the wafer lot again after completing a sorting operation, where the at least one second status setting instruction describe a reverse procedure of a status change procedure described by the at least one first status setting instruction.

Unfortunately, the Office Action offered no explanation as to how the cited teaching of Erjavic (quoted above) actually applies to the claimed features of claim 1. Therefore, the undersigned is not able to address any such application/explanation or the rejection, other than to simply state that the claimed features are not disclosed or suggested in the cited Erjavic reference. In this regard, the "Response to Arguments" section does not address the emphasized claim features, and is further facially incomplete (as previously noted in these remarks).

For at least these reasons, claim 1 defines over this art, and the rejections of claim 1 should be withdrawn. As all remaining claims depend from claim 1 for at least the same reasons, all rejections should be withdrawn and the claims passed to issuance.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that election/restriction requirement has been satisfied without traverse. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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